

SHEET C

MBTA Communities / Section 3A

In 2021, Governor Baker signed the multifamily zoning requirement for the 175 communities served by the MBTA into law. This new law requires that an MBTA community shall have at least one zoning district of reasonable size in which multifamily housing is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
- No age restrictions and suitable for families with children



Why did Gov. Baker create this requirement?

The law was created because the greater Boston region, for some time now, has been experiencing a housing crisis. The State's [Future of Work](#) study estimated a shortage of up to 200,000 housing units. Municipalities play a key role through zoning and permitting in determining whether or not housing is built. To solve the housing crisis, the law requires communities to amend their zoning and permitting to encourage greater housing production. Additionally, the state notes that:

- Before COVID19, Massachusetts faced a core challenge in creating adequate housing to support young families, workers, and an aging population. The pandemic has further highlighted these needs.
- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- Rising costs have families dramatically increased financial pressures on low- and middle-income families, forcing them to sacrifice other priorities to pay housing costs. High housing costs are a primary driver of homelessness.
- The lack of housing production is an impediment to community development.
- These high costs are a disadvantage as we compete economically against peer states. The risk of future job growth moving outside Massachusetts is rising due to the high costs of living.¹

Every community in Massachusetts is responsible for addressing this problem. The law ensures that we, along with 174 other communities, are working to address it simultaneously.

¹ MBTA Communities Summary Deck: <https://www.mass.gov/doc/mbta-communities-summary-deck-feb-2022/download>

MBTA COMMUNITIES “VISIONING KIT” WORKSHEETS

What is Arlington required to do?

The Department of Housing and Community Development (DHCD) issued guidelines on how communities can achieve compliance with the MBTA Communities law in August of 2022. Based on DHCD guidance, Arlington is considered an “adjacent” community, and must therefore create a zoning district of at least 32 acres where 10% of Arlington’s current housing stock, or 2,046 units, could be built by right in three-family or larger homes. The guidelines are based on *capacity*, not housing to be created *in addition to* what currently exists – the capacity of 2,046 units is measured as if there was nothing currently on the land within the zoning district. Because there are fewer than 50 developable acres within a half mile radius of Alewife Station, Arlington is able to locate the district or districts anywhere within the town.

What is the Town’s approach?

MBTA Communities, or Section 3A, is consistent with a number of Town plans:

- Arlington Master Plan
- Fair Housing Action Plan
- Housing Production Plan
- Connect Arlington: The Sustainable Transportation Plan
- Net Zero Action Plan

Additionally, if the Town does not comply, we lose our eligibility for millions of dollars infrastructure funding from the State’s MassWorks program. We also would not be able to participate in the state’s fossil fuel ban pilot program—related to a Home Rule Petition approved by 92% of Town Meeting Members which would take significant steps toward achieving the Town’s net zero energy goals. It is anticipated that the state will tie compliance to MBTA communities with other funding sources and opportunities in the future, and the Attorney General has issued an advisory concerning enforcement of the law on March 15; “opting out” is not an option.² Furthermore, both the Select Board and the Arlington Redevelopment Board (ARB) have indicated that the Town should work to achieve compliance with the law.

As a result, the MBTA Communities Working Group is working in earnest to create a zoning amendment that will both meet compliance requirements *and* have the ability to result in actual production of multifamily housing over time. The amendments will be crafted through community outreach—the community will have several opportunities to inform the vision and substance of the amendments—and brought to the ARB in September, and with the ARB’s approval, to Town Meeting in October. If approved, the amendments will be submitted to the state for review and incorporated into the Zoning Bylaw.

For more information about this process, contact Kelly Lynema, Assistant Director of Planning and Community Development, klynema@town.arlington.ma.us.

² Andrea Joy Campbell, Massachusetts Attorney General; Advisory Concerning Enforcement of the MBTA Communities Zoning Act: [arlingtonma.gov/home/showpublisheddocument/64380/638144981082117352](https://www.arlingtonma.gov/home/showpublisheddocument/64380/638144981082117352)